

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:09CR48 |
| |) | |
| v. |) | |
| |) | |
| LUIS NANDI-CIPRIANO, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 106), the defendant's statement of objection (Filing No. 108), and the defendant's brief in support of his objection (Filing No. 109). No answer brief has been filed. The Court has conducted a *de novo* review of the transcript of the proceedings held on June 16, 2009, before the magistrate judge (Filing No. 101), the defendant's motion to suppress (Filing No. 76), the defendant's brief in support of that motion (Filing No. 78), the government's response to defendant's motion (Filing No. 93), the magistrate judge's report and recommendation, and defendant's objection and supporting brief.

The Court finds that the magistrate judge's report and recommendation should be approved and adopted by the Court. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge is approved and adopted;

2) The defendant's objection to the report and recommendation of the magistrate judge is overruled;

3) The defendant's motion to suppress is denied;

4) Trial of this matter is scheduled for:

Tuesday, October 13, 2009, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The parties will have time to prepare for trial or pursue plea negotiations, and the Court's schedule requires the continuance. The ends of justice will be served by rescheduling this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between August 17, 2009, and October 13, 2009, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of August, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court